

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 783, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about February 22, 1910, Pietro Viviano, Salvatore Viviano, Giovanni Viviano, and Guiseppe Viviano, doing business as S. Viviano & Bros., shipped from the State of Missouri into the State of Illinois a consignment of a food product in cans labeled: "La Sicilia—Extra Compound Cotton Seed Oil—Olive Oil—S. V. & Bros.—St. Louis, Mo." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: Index of refraction at 15° C., 1.4732; iodine number average of 3 determinations, 100; cottonseed oil—Halphen's test—strongly positive. As it appeared from the above analysis and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said S. Viviano & Bros., and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Pietro Viviano, Salvatore Viviano, Giovanni Viviano, and Guiseppe Viviano, doing business as S. Viviano & Bros., charging the above shipment and alleging that the product so shipped was misbranded in that the contents of said cans consisted principally of cottonseed oil and that the label upon said cans indicated that the contents thereof were olive oil; that the words "La Sicilia Olive Oil" appearing upon said label indicated to the purchaser that said cans contained olive oil, whereas in truth and in fact, said cans contained a compound consisting principally of cottonseed oil; that said article was an imitation and offered for sale under the distinctive name of another article; that the label upon

said cans was false and misleading; and that the cans were so labeled as to mislead and deceive the purchaser.

The defendants entered a plea of guilty to the above information and the court imposed a fine of \$5 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 18, 1911.*

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